

Received 13/10/89
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Trying to Stop the Theft of Canada's History

On November 8, 1951, the then Prime Minister, Mr. St. Laurent told the House of Commons: "it is the policy of this Government when statutes come up for revision or consolidation to replace the word 'Dominion' by Canada."

The avowal was new. The policy was not.

Mr King had started it, in December 1936, when he took "Dominion" out of the Accession Proclamation.

But for some time after that, he seems to have taken no action.

Then, in January 1944, ^{Mr. Emile Vaillancourt,} later Minister to Cuba and Yugoslavia, and Ambassador to Peru, issued a pamphlet. It was a handsome cream-coloured affair, with a cover showing a palm tree with a snake crawling down it, and monkeys and black men tastefully dispersed around it. It bore the arresting title, "Is Canada a Plantation?"

After pointing out that "Australia is a Commonwealth, South Africa is a Union; Canada is a Dominion. Such are the official indications of their status," it proceeded: "According to some constitutional and legal authorities, the word 'Dominion' is synonymous with colony, possession or plantation. Not the least among them is a unanimous judgment of the Court of King's Bench [in] 1774, delivered by Lord Chief Justice Mansfield. The same appears in article XXXVII of the articles of Religion of the Church of England. . . . According to Leonard Le Marchant Minty, 'the term "British Dominion" essentially means a country which is not only under British jurisdiction, but is also British territory made so by settlement or by conquest.' (Constitutional Laws of the British Empire. London, 1928). Historically this word is associated with colony, possession or plantation.

"CANADA IS NOT A PLANTATION. And it is high time that the practice of referring to it as a dominion ceased."

This clarion call started a long, and almost totally successful, campaign of bad law, bad history, bad logic, untruths, prevarications, self-contradictions, cringing, crawling, wriggling, squirming and sheer nonsense, against which I battled for years, and not wholly in vain. For most people will probably be surprised to learn that "Dominion" is still the legal title of this country. Section 3 of the Constitution Act, 1867 says that the provinces of Canada, Nova Scotia and New Brunswick "shall form and be one Dominion under the name of Canada;" and section 3 is still there, unrepealed, unamended.

It is, I think, worth setting out in some detail a process that Dr Goebbels might have envied.

M. Vaillancourt was of course correct in saying that Canada was a Dominion, and that this was "the official indication of its status." His quotation

from Mr Minty I have no reason to doubt. It is wholly irrelevant, so I have never bothered to check it. The rest of the pamphlet is nonsense.

The citation from Lord Mansfield's judgment is misleading. The nearest thing to a relevant passage is this: "A country conquered by the British arms becomes a dominion of the King in the right of his Crown; and, therefore, necessarily subject to the Legislature, the Parliament of Great Britain." This is a simple statement of the law as it stood in 1774. It says nothing about colony or plantation.

For the Anglican Prayer Book I have the greatest respect, even veneration. I am indeed a member and patron of the Prayer Book Society of Canada. But it is scarcely a "legal and constitutional authority," and it does not support M. Vaillancourt's position at all. Article XXXVII says: "The King's Majesty hath the chief power in this realm of England, and other of his dominions." So, on this showing, England also is a "Dominion," and, if so, if M. Vaillancourt were correct, by the same token, a colony or plantation!

The quotation from Mr Minty was written before the Statute of Westminster (1931), and is therefore hopelessly out of date; and it says nothing about a plantation.

Of course Canada is not a plantation. Nobody ever said it was. And historically ^{our} title is not "associated with colony, possession or plantation;" rather the opposite, as Sir John A. Macdonald, Sir George Cartier, Sir Hector Langevin, and, later, Edward Blake, made abundantly clear.

But the pamphlet's pretentious rubbish seems not only to have won Mr King's admiration (he appointed its author to the diplomatic service in 1945 and promoted him later) to have spurred him to fresh efforts of demolition. In 1947 he took the word out of the Governor-General's title, Letters Patent and Instructions, and out of the Proclamations summoning and proroguing Parliament.

His successor took it out of the Proclamation of dissolution in 1949. In 1950, at a Dominion-Provincial Conference on the Constitution, Mr MacDonal, Premier of Nova Scotia, moved a resolution which, throughout, spoke of "the Dominion and the Provinces." Mr Duplessis, Premier of Quebec said: "Sometimes there is importance in what appear to be small things. Would there be any objection to replacing the word 'dominion' with 'federal authorities'?" The answer, of course, should have been a resounding, "Yes, there would!" Instead Mr. Macdonald said, "That is all right," and Mr St. Laurent said, "Oh, we are quite happy to be designated as federal authorities."

Then the Canada Year Book was carefully, and quietly, purged. The

number of entries under "Dominion" dropped from twenty-eight in 1949 to four in 1951. In a few cases, the offending word formed part of a statutory title, and the purgers didn't (yet) quite dare to amend Acts of Parliament. But they did their best with everything else. In most cases, the distinctively Canadian "Dominion" gave place to the American "federal. The Ottawa telephone book had already been purged. In 1952, the title of the House of Commons Debates was also purified: "Dominion of Canada" disappeared.

Most of this performance had passed unnoticed. But when the Prime Minister, under prodding, admitted what the Government had done, was doing, and meant to go on doing, there were immediate protests. Mr St. Laurent then professed to the House seven reasons, or what he evidently hoped the public would dignify by that title.

First: "There are some people in this country who rather like the name of Canada." We all do. What had that to do with it? The Government was not expunging the name, Canada. It was expunging the title, Dominion.

There were, and are, some people in France who rather like the name France, but does not mean that they must drop "French Republic." The same holds for Ireland, and the Irish republic. There were, and are some people in Great Britain and Northern Ireland who rather like the names Great Britain and Northern Ireland. But that does not mean that they must abolish "United Kingdom." Great Britain and Northern Ireland is a United Kingdom. That is its legal designation, by Act of Parliament. Canada is a Dominion. That is its legal designation by Act of Parliament, the very Act and section that gave it the name Mr St. Laurent "rather liked." This deliberate confusion of name and title persisted throughout the whole controversy

Insert 54 Second: "There has been a constant progression that some people in this country have attempted to impede and have resented, but nevertheless that progression culminated in the Statute of Westminster which recognized the equality of all the sister nations of the Commonwealth." The Statute of Westminster three times calls this country "the Dominion of Canada," and uses the term "Dominion" twenty-eight times besides. So the "culmination" of the "progression," the Statute which "recognized" our equality with the "sister nations of the Commonwealth," is an Act that uses this horrid word "Dominion" thirty-one times! Yet the Prime Minister suggested this meant that "Dominion" was incompatible with equality of status!

Third: "This policy is quite in line with the policy that was followed by the United Kingdom when they changed the name of the department that deals with the affairs of the sister nations from Dominion Relations Office to Commonwealth

The Act of Union between England and Scotland, Article 1, says: "the Two Kingdoms of England and Scotland shall . . . be united into one Kingdom by the name of Great Britain" (a perfect parallel for the British North America Act's "one Dominion under the name of Canada"), and proceeds to describe this as "the said United Kingdom," "the United Kingdom of Great Britain" (Articles 2, 3, and 4), and "the United Kingdom" (Article 6).

Relations Office." So when the British Government decides to change the name of one of its departments, we must change the title of our country? Queer kind of "equality!"

Fourth: "That development coincided with the coming into being of other sister nations who had not been known as Dominions and who did not wish to be known as Dominions. Those are nations with which we wish to conserve the family relationship which exists among the nations of the Commonwealth."

Insert
HA → If all three wanted to change their legal title, did that mean that we must change ours? Again, queer kind of equality. When the separate Australian colonies united, they chose to call their country a Commonwealth, not a Dominion, and its units states, not provinces. Did anybody suggest we had to follow suit? That if we didn't, it would somehow disturb the "family relationship"? India, Pakistan and Ceylon decided to call themselves republics. Did we have to follow suit? If we did, it would separate us from the United Kingdom, Australia, New Zealand and the other dozen or so "sister nations" that are monarchies. How would that "conserve the family relationship"? Why should it trouble any other country if we persist in being ourselves? Did India, Pakistan or Ceylon threaten to leave the Commonwealth unless we dropped "Dominion"? Pakistan did leave, but not on that account; and it is now trying to come back.

Fifth: "In the official documents that come now from the United Kingdom the word 'Dominion' is gradually being dropped in deference to those other members of the organization who are not Dominions and who have achieved a status with which the word 'Dominion' would be somewhat at variance."

If other nations of the Commonwealth object to being called Dominions, that is a good reason why the British Government, and other Commonwealth Governments should stop using the word to cover all the Commonwealth nations. It is no reason at all for us to stop calling Canada by its own official title; just as it is no reason for Australia to stop calling itself a Commonwealth.

"Dominion" is our word, perhaps the only distinctive word we have contributed to political terminology. Some other nations of the Commonwealth found it a convenient word, and borrowed it for limited purposes. If they, or others, now find it inconvenient, and drop it, what is that to us? Have we no individuality, no pride, no self-respect? Must we be continually trailing around after some other country, changing even our historic title to suit the wishes, real or imaginary, of some other nation or nations?

That "the word 'Dominion' would be somewhat at variance" with the status achieved by India, Pakistan and Ceylon, is, on Mr. St. Laurent's own showing, nonsense. The Statute of Westminster, "which recognized the equality

This is a very curious statement. Under the Indian Independence Act, August 15, 1947, India became "the Dominion of India," and so remained till January 26, 1950. The 1947-1950 Constitution of India refers to "the Dominion of India" no less than thirty times, to "the Dominion" at least once, and to "the Dominion Legislature" at least twice. Pakistan became "the Dominion of Pakistan" on August 15, 1947, and so remained till 1956. Ceylon, in 1947, became "the Dominion of Ceylon," and when Mr St. Laurent spoke, still was.

of the sister nations of the Commonwealth," called Australia, New Zealand, South Africa, the Irish Free State, Canada and Newfoundland "Dominions." They were declared equal with the United Kingdom and with each other, and they were all "Dominions." Did India, Pakistan and Ceylon achieve a higher status than that? Are they superior to the United Kingdom and the rest of us? Or was Mr. St. Laurent borrowing his political theory from George Orwell's Animal Farm: All the nations of the Commonwealth are equal, but India, Pakistan and Ceylon are more equal than the rest?

Sixth: The dropping of Dominion from British Government documents was "in deference to wishes that were expressed not only by this Government but by others, and in conformity with the wishes of this Government." But even "this Government's" views of what ought to appear in British Government documents have nothing to do with what we call our own country in our own documents.

Seventh: "This Government believes that the majority of the Canadian people feel that it is a privilege to be described as a Canadian citizen and are quite satisfied to be described as such instead of being described as citizens of a Dominion."

So might President Truman have said: "This Administration believes that the majority of the American people feel that it is a privilege to be described as an American citizen and are quite satisfied to be described as such instead of being described as citizens of a republic." One statement would have just as much sense as the other; that is, none. No one has ever proposed to call us "citizens of a Dominion" instead of "Canadian citizens." But the simple legal fact is that we are citizens of a Dominion, just as Americans are citizens of a republic and Englishmen citizens of a kingdom. The Constitution Act, 1867 says twice that we are a Dominion, and no Government has even yet ever proposed to strike out the word. That would be the logical conclusion of the St. Laurent policy: to strike out "Dominion" and leave a blank. For it could hardly make the Act read: "One Canada under the name of Canada", and no Government has ever suggested any substitute. As Le Droit said at the time: "Canada deprives itself deliberately of the title which qualified it, which claimed to determine its national personality. And it isn't replacing this title by any other." That, presumably, is the real "culmination" of the "progression." That gives us real "equality." That enhances our status. Now, at last, we achieve our destiny: neither kingdom, nor republic, nor anything else known to political terminology: just a nameless Something, a sublime Blank!

Every one of the "reasons" Mr. St. Laurent gave for abolishing "Dominion" was fatuously irrelevant, an affront to the intelligence of the House and the

public; and he added to the affront by hinting that those who disagreed with him disliked the name "Canada" and "resented" our achievement of equality with the United Kingdom.

Concomitantly with its assault on "Dominion" the Government had been playing the same kind of tricks with the term "Royal Mail:" taking the words off the postal trucks and other post office equipment, and putting up the same kind of defence of its actions. This time, it was the Postmaster-General and his Assistant, again in the session of 1951.

First, the term "Royal Mail" had "never had any real existence because it is not in the Postal Act."

So being "in the Act" was the test. But being in the Constitution Act had not saved "Dominion."

Insert Second, "The words 'Royal Mail' were discontinued twenty-five years ago by the Hon. Charles Murphy when he was Postmaster-General." (At another page, the Minister said "twenty-five or thirty.") The Parliamentary Assistant said: "For more than twenty-five years the designation 'Canada Post' has been generally used on mail trucks, mail receptacles and other post office equipment. There has therefore been no change in policy or in practice."

This was flagrantly untrue, as anyone who had walked the streets of Ottawa or Toronto or Halifax, or plenty of other places, could testify.

Apparently even those who favoured the jettisoning of "Dominion" were not much impressed by Mr. St. Laurent's defence of the policy, for in the controversy which followed nobody seems to have paid much attention to it. But a troop of chatterboxes and scribblers took up the task.

One M.P. quoted Funk and Wagnall's Dictionary that "Dominion" meant "obedience, servitude, slavery, subjugation, submission. This looked impressive till Senator Marcotte pointed out that Funk and Wagnall said these were the antonyms, not the synonyms of "Dominion!" The synonyms were: "authority, command, control, empire, government, jurisdiction, mastery, power, realm, rule, sovereignty, supremacy, sway."

Another great mind said he couldn't find that any of our stamps had ever "carried the words 'Royal Mail' or 'Royal Postage' or 'Dominion.'"

Who said they had?

He went on to ask whether those who opposed elimination of "Dominion" would "change the CBC to DBC? The CNE to DNE? The CPR to DPR? The CNR to the DNR? 'O Canada' to 'O Dominion', and so on?"

Nobody except the Government had proposed to change anything.

Till 1982, the term "Prime Minister" never appeared in any Act. Does that mean that for a hundred and fifteen years he "had no real existence"?

Next came a master-mind who pontifically declared that "any one who wants to be fair about it will admit that Dominion means, at best a top-drawer colony. In a recent editorial The Saturday Evening Post refers to Canada's 'dominion status' and her 'degree of autonomy.' How does that square with the arguments of Mr Forsey and his friends who say in one breath that we are a sovereign country and in the next that it is shameful to drop 'Dominion'?" He graciously added: "Regarding the word 'Royal' I, personally, do not object strongly to its use. However, it also has colonial connotations."

In this production one hardly knows which to admire most: the assumption that anyone who disagrees with its author is not only wrong but not "fair;" the elevation of The Saturday Evening Post to the rank of a constitutional authority, or the breath-taking announcement that "Royal has "colonial connotations." Alas for the Statute of Westminster! The Saturday Evening Post says it's wrong, and on this subject that journal speaks with an authority more than papal. "Royal" has "colonial connotations: Royal Navy, Royal Mint, Royal Society, Astronomer Royal, Royal Family. Poor old England! All this time she has been a colony without knowing it.

Another supporter of the Government gave us a few masterly variations on the theme that those who object to dropping "Royal" and "Dominion" are bad Canadians. They, says he, "would like to see Canada as a colony rather than a nation. . . . Such people always criticize others who dare to talk about a Canadian flag or anthem. . . . Well, Canadian people have earned the right of full nationhood, and, in my opinion, this nationhood is going to be achieved sooner or later."

The first statement is just untrue. The second is at best irrelevant: dropping "Royal" or "Dominion" has nothing to do with a Canadian flag or anthem. Even a province can have a flag of its own, and even in 1951 Nova Scotia and Quebec, at least, both had. Even a colony can have an anthem of its own. Newfoundland had, half a century and more before all this hullabaloo began, when it was most certainly a colony. The final statement is just plain nonsense. Even on Mr St. Laurent's showing, Canada had achieved full nationhood in 1931.

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A female Rip van Winkle declaimed that it was "about time that we became the rulers of our own destiny," adding that Messrs "St. Laurent, Pearson, Claxton, etc., . . . are capable of leading us towards this goal." But according to Mr St. Laurent, we had already reached the "culmination" of that "progression;" and indeed the lady, in her next sentence, calls Canada "our beautiful free country," adding, however, that "We Canadians don't want to be humiliated by the word 'Dominion' in reference to it."

Why "Dominion" should humiliate us she did not explain. Who could? We chose it ourselves. The Fathers of Confederation wanted to call us the "Kingdom of Canada." The British Government was afraid this would stir up the Americans, whom, in the aftermath of their Civil War, it was anxious to placate. So it jibbed. It did the same over the Fathers' omission of any provision for breaking a deadlock between the Senate and the House of Commons. These are the only two things in the Act of 1867 that the British Government had anything to say about; and in both cases they simply asked the Fathers to suggest something of their own. Sir Leonard Tilley suggested the old French word "Dominion" as a synonym that would not wound American sensibilities. Apparently, even then, the Fathers had hopes for "Kingdom," for the fourth draft of the British North America Bill says "one united Dominion under the name of the Kingdom of Canada."

In short, we chose the title deliberately, and for a definite and significant reason. As Lord Carnarvon wrote to General Grey, Queen Victoria's secretary, asking for her approval: "The North American delegates are anxious that the United Provinces should be designated as the 'Dominion of Canada.'" It is a new title, but intended on their part as a tribute to the Monarchical principle which they earnestly desire to uphold. It will give dignity to the commencement of this great scheme and consequently greater self-respect to those who take part in the administration of affairs." He explicitly asked for, and got, the Queen's approval for "the name Canada" and for "the proposed designation of this territory."

Where did Tilley get the word? From the seventy-second psalm: "He shall have dominion from sea to sea, and from the river unto the ends of the earth." What's "humiliating" about that? It fits us like the paper on the wall: from the ✓ St. Lawrence, "la grande Rivière," to the North Pole. "Greater dignity," "greater self-respect;" what could be plainer? The text from the psalm, incidentally, is commemorated not only in our title but in our coat-of-arms, carved in stone over the entrance to the Parliament Buildings. So far, nobody has demanded that we change that!

The French version of the British North America Act translates "Dom-

inion" - "Puissance," Is it humiliating to be called a Power?

"Dominion" is no more humiliating than kingdom, republic or empire. It happens to be distinctively Canadian, which they are not.

Undoubtedly in 1867, Canada, by whatever title it might have been designated, was, as Sir John A. Macdonald said, "a subordinate . . . people," subordinate to Great Britain. If it had been called a kingdom, it would still have been subordinate. (If it had not been a subordinate British nation in 1867, and for some time after, it would not be in existence as a nation now.) India, from 1876 till it got independence was an empire. But it was most definitely subordinate. The subordination was in the legal and constitutional facts of the time, not in the title. Anyhow, Canada has grown since 1867, and the word "Dominion" has grown with it. That is the "progression" Mr St. Laurent talked about. To say that in 1951 the word meant exactly what it did in 1867 is to blind our eyes to history, to constitutional development, to that famous "progression."

Early in January 1952, Saturday Night, then under the distinguished editorship of Mr B.K. Sandwell, felt obliged to take a hand. It conceded "Dominion" was "entirely innocent" in itself; that "it had been associated for many years with the growing national autonomy of Canada;" that it did not impose any inferiority on those nations to which it is applied;" that it could not "even . . . be correctly ^{interpreted} as implying such inferiority." It was "a pity" that it should have to be "sacrificed." But sacrificed it had to be: "we rather expect, when the British North America Act is remodelled as a purely Canadian document, to see the word removed from its text. The current campaign of elimination is presumably intended to prepare the public mind for that eventuality."

"There are," Mr Sandwell proceeded, "some intelligible arguments" for this course. "The charge against 'Dominion' is that it connotes a status of inferiority. It is a charge which might never have been made if it had not been for the unfortunate invention of the term 'Dominion status' to describe what was unquestionably, when the term was invented and for some time thereafter, a status involving some degree of inferiority to that of Great Britain. It is claimed that foreigners, who have been accustomed to seeing the term 'Dominion status' used during many years in which it did definitely imply inferiority, are led to suppose that the word 'Dominion' by itself still implies it. We think that this claim has some validity."

Shaky history, shaky constitutional theory. But let that pass. The real point is that though "Dominion" doesn't really "imply inferiority," we must "sacrifice" it because some "foreigners" think it does. (Similarly, I must change my name because a lot of people can't spell it.) What true Canadian, faced with a choice between preserving our historic traditions and sacrificing them to the ignorance (real or imaginary) of "foreigners," could hesitate for a moment?

Saturday Night had spoken. The "intelligible arguments" (one of them,

anyhow) had been presented. The new deity of pure Canadian nationalism, the ignorance of foreigners, had been unveiled in all its majesty. Yet, strangely, the protests went on. Some perverse souls still objected to the necessary burnt offering. So on January 25, 1952, the Prime Minister himself made a fresh attempt to convert the heathen, this time by a partial restatement of the faith.

He now admitted, repeatedly, that we are a Dominion. The British North America Act called us that. The Statute of Westminster called us that. There wasn't anything he or the Government or Parliament could do about it. (But the Government and Parliament had been doing a great deal about it: striking out "Dominion" all over the lot, as noun, as adjective, and, in defiance of grammar, making "Canada" an adjective.)

He admitted that volume 6162 of L'Encyclopédie du XIX Siècle, at p. 137, said: "La nouvelle confédération prendra le nom de souveraineté du Canada (dominion)."

He admitted that, in 1867, the word wasn't being used in any sense to show inferiority, but to show that there was going to be a new "sovereignty which was a new Dominion from sea to sea."

Then why the persistent campaign to root out "Dominion" from our statutes and other official documents?

"Whether we like it or not, we are a 'Dominion' and our official name is 'Canada.' I don't see any necessity for using the word 'Dominion' as part of the official name."

Who did? Who does? Title, not name; adjective, to distinguish, for example, the national Elections Act from the provincial Elections Acts.

"There are some," Mr St. Laurent proceeded, "who say that the word shouldn't be used at all but they are going too far. It has been the policy of the Government to omit the word 'Dominion' where it is improperly used but not to take it out of a statute where it is not being used as the name of the country." But they took it out of the Dominion Lands Surveys Act and the Dominion Elections Act, and out of the Canada Year Book and the Ottawa telephone book, and out of a great many other things where it wasn't being used as the name of anything, but as an adjective.

"The Government is not, of course, trying to change popular usage. I personally would be entirely opposed to interfering with its use in a historical or a popular sense. What we have been seeking to do is to correct an error in official usage which has crept into the statutes and administrative documents and which is not warranted by the British North America Act of 1867." (Here the Prime Minister quoted section 3: "One Dominion under the name of Canada.") "The Government does not deny, nor have we any desire to deny, that Canada is one of the King's Dominions. We are simply using the correct name of the country in official documents."

"An error in official usage!" An "error" that "crept in" with Macdonald and Cartier and the rest of the rest of the Fathers of Confederation! They, poor things, couldn't be expected to know what the British North America Act meant. They only wrote it. An "error" that Mackenzie, and Blake, and Laurier, and Thompson, and Tupper, and Borden, and Meighen, and Bennett never noticed! An "error" that escaped even the vigilant eye of Mackenzie King till 1956! For nearly seventy years, we were governed by a collection of ignoramuses and numbskulls, people who just couldn't see that when the BNA Act said the provinces "shall form and be one Dominion under the name of Canada" it meant that "Dominion" could not properly be used in "statutes and administrative documents!" And then the light suddenly burst upon Mr King, and he and his successor undertook (with suitable circumspection) to rescue us from chaos and old night.

But at this point someone may claim that the "error" did not in fact escape the eye of Sir Robert Borden; that, on the contrary, he started the whole performance. Mr Coldwell told me this. I was surprised, and disconcerted: it seemed to ^{be} out of character for Borden. I asked Coldwell where he'd got the story. He quoted W.F. Carroll, M.C., M.P. (afterwards a judge), who, in the session of 1950, undertaking to prove that "Dominion of Canada" was at least unnecessary, told the House of Commons that when Borden "came to sign the Treaty of Versailles. . . he did not sign it for the Dominion of Canada but for Canada."

Long experience of Liberals' stories about Conservatives made me sceptical. I investigated. The whole thing was a mare's nest.

First, Borden did not sign the treaty. He had to come home before it was signed. The Canadians who signed were Mr Doherty and Mr Sifton.

Second, no one signed "for" Canada or "for" any other country. The signatures all appear without adornment of any kind: D. Lloyd George, Woodrow Wilson, Charles J. Doherty, Arthur L. Sifton, etc., etc.

Third, at the beginning of the treaty, where the High Contracting Parties name their plenipotentiaries, the wording is: "His Majesty the King . . . for the Dominion of Canada: Charles J. Doherty, Arthur L. Sifton."

Fourth, long before the treaty was signed, when Borden was insisting on Dominion signatures, he explicitly proposed that "the recital . . . of the Plenipotentiaries . . . would include the names of of the Dominion Plenipotentiaries immediately after the names of the Plenipotentiaries by the United Kingdom," with, "under the general heading 'The British Empire,' the sub-headings 'The United Kingdom,' 'The Dominion of Canada,' etc.

Fifth, the Order-in-Council appointing the Canadian Plenipotentiaries

said: "His Majesty the King in respect of the Dominion of Canada," and named Sir Robert L. Borden, "Prime Minister of the Dominion of Canada;" Sir George Foster, "Minister of Trade and Commerce of the Dominion of Canada;" Arthur L. Sifton, "Minister of Customs and Inland Revenue of the Dominion of Canada;" and Charles J. Doherty, "Minister of Justice of the Dominion of Canada;" and each of them is described as a "Commissioner and Plenipotentiary in respect of the Dominion of Canada;" and the Full Power says invariably and repeatedly "Dominion of Canada."

Sixth, the Order-in-Council providing for ratification proposes that "His Majesty the King be humbly moved to approve, accept, confirm and ratify the said Treaty of Peace, for and in respect of the Dominion of Canada."

The documents are all printed in Sessional Paper 41 of the second session of 1919, and in the whole lot there is not a single instance in which "Canada" is used alone. In every case, it is "the Dominion of Canada."

Many years later came another fairy-tale. This time, it was R.B. Bennett whose name was invoked to lend Conservative respectability to the received wisdom. This was sprung on me when I was testifying in a Senate Committee on the bill that changed Dominion Day to Canada Day. The yarn had appeared in 1968, in an article in the International Journal, organ of the Canadian Institute of International Affairs, by Dr John Read, former Legal Adviser of the Department of External Affairs. I had seen it at the time, but it was so silly that I had forgotten all about it, and felt unable to make any comment till I had it under my hand.

This was a pity. For silly it was, unbelievably silly. I was astonished that Dr Read could have put his name to such rubbish.

"Until 1934," said Dr Read, "it was common practice to use the expression 'Dominion of Canada' as the name of this country." (Title, not name, by the way.) "This was disliked, but tolerated, by O.D. Skelton and Mackenzie King. In 1934, Loring Christie, Counsellor in the Department, noticed that, under the provisions of section 3 of the British North America Act, 'the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the name of Canada; and . . . those three Provinces shall form and be One Dominion under that name accordingly.' After consultation within the department, it was concluded that the old practice of using 'Dominion of Canada' as the name of this country was not in accordance with the constitution and it was recommended that it be dropped."

Then comes this: "This recommendation was placed before the Prime Minister." (King, of course? No.) "It happened that R.B. Bennett had required

a distaste for the word 'Dominion' when at the Imperial Conference in 1930. a meeting of the Heads of Delegations, in the cabinet room in No. 10 Downing Street, Ramsay MacDonald, with seeming but unintended condescension, used the words 'we are all Dominions now.' (What was condescending about that?) Mr Bennett, who was not one of the British Prime Minister's fans, misled by the seeming condescension, developed a resentment against the name 'Dominion.' Further, as a great constitutional lawyer, he promptly agreed that the use of words 'Dominion of Canada' was unconstitutional and should be stopped. It took a number of years of unremitting pressure on other departments to bring the old practice to an end."

So in 1930, Bennett had "acquired a distaste for the word 'Dominion?' In 1931, in proposing to address the King for the passage of the Statute of Westminster, he used the expression "Dominion of Canada" twice, and "Dominion" or "Dominions" or "a Dominion" or "the Dominion" or "this Dominion" or "that Dominion" thirty-nine times, and "we became a Dominion" once. It is heart-rending to think how he must have gagged as the "distasteful" word tripped off his tongue. It is inexplicable that "Dominion of Canada" was taken off the Debates of the House of Commons only in 1952, long after he had left Canada for good. No doubt it was pious reverence for his memory that this tale never (as far as I know) saw the light of day till long after he was dead and buried

Bennett had his oddities. But he was not an idiot.

However, revenons à nos moutons.

In 1948, after fourteen years of that "unremitting pressure," and twelve after Mr King, in the Accession Proclamation of George VI, had seen the light, the King's Printer in Ottawa issued a volume, edited by Dr Maurice Olivier, Law Clerk of the House of Commons: British North America Act and Selected Statutes, 1867-1948. Of course the "error," the deadly word, had been expunged, or at least the reader warned against it? Not a syllable of warning and the "error" appears 489 times. "Dominion of Canada," alone or in combination (twice, with "Union") occurs 173 times; and in 103 of these cases it was used not by the British Government or the British Parliament or British officials, who might perhaps be supposed not to know what was what, but by our own Parliament, which certainly ought to have known, and which started doing it in 1869 and kept it up till 1948. All told, there are nearly 500 "errors," over 300 of them by our own Parliament. And these figures do not include the BNA Act itself or the Statute of Westminster.

"The Government," said Mr St. Laurent blandly, "is simply using the correct name of the country in official documents." No. In most cases, what it was doing was replacing the adjective "Dominion" by the noun "Canada" or the adjective "federal."

"We have tried to make the corrections, from time to time, in a perfectly straightforward fashion when statutes came up for revision." What statutes came up for revision that authorized them to purge the Canada Year Book and the Ottawa telephone book, the Letters Patent and the Proclamations? Straightforward? They buried "Dominion" darkly at dead of night, the sod with their bayonets turning.

"The word 'Dominion' does suggest to many good and loyal Canadians that our country occupies a somewhat inferior status, that we ourselves are failing to take the pride we should in that equal partnership under the Crown which, I believe, is the real strength of the British Commonwealth. . . . There is no doubt that many Canadians will give a wholehearted support to an equal partnership which they cannot give when there is any suggestion of inferiority and superiority in the Commonwealth relationship. And my view is that those of us who regard that partnership as a valuable asset should take every means we can legitimately take to preserve and strengthen it."

The Prime Minister didn't even try to argue that "Dominion" meant "inferior status." In fact, he had said it didn't. But "many good and loyal Canadians" thought (the correct verb?) it did. So we should "take every means we can legitimately take" to set matters right.

So if people get a false notion in their heads, we must --- what? Tell them the truth? Try to enlighten them? Of course not! Change the facts to fit the false notion!! Truth must be sacrificed to error. Ignorance must be exalted and kow-towed to. For Saturday Night, it was the ignorance of foreigners. For the Prime Minister, it was the ignorance of "many good and loyal Canadians." The idol to which we must sacrifice is still essentially the same; only now it's made-in-Canada.

The Prime Minister's press conference raised more problems than it settled. Again his supporters came to the rescue.

One said that the United Kingdom Accession Proclamation, which dropped "Dominions," had settled the whole thing: the British Government had "taken account of constitutional progress." So, once again, the British Government settles what we ought to call our country, and this is "constitutional progress!"

A second gentleman, trying to answer the statement that no one had yet produced anything even remotely resembling a respectable reason for dropping "Dominion", asked: "Do the strongly expressed sentiments of a fairly large proportion of the Canadian people not represent a 'respectable reason'?" The British Government's change in the Accession Proclamation was "polite deference to widespread Canadian touchiness on this subject."

Challenged to say whether "touchiness" based on ignorance or misapprehension was a "respectable reason for anything," he said no; but that the question "impugns the motives or intelligence" of those who wanted to drop "Dominion," and constituted "name-calling." "It is ridiculous to suggest that those ^{whose} 'strongly expressed sentiments' disfavour the use of the word 'Dominion' are ignorant or misinformed."

What on earth has ignorance or misinformation to do with "motives" or "intelligence"? The Prime Minister had admitted that the Statute of Westminster calls us a Dominion. He had said that Statute made us equal with Great Britain. Plainly, therefore, for him, "Dominion" does not mean inferiority. Plainly, also, people who believe it does are ignorant, or misinformed or under a misapprehension. To say so is not impugning motives or intelligence. It is not "name-calling." It is the inescapable conclusion from the facts. How can that be "ridiculous? If the "touchiness" is not based on this false notion of inferiority, what is it based on? Silence.

What happens if the same people, who got touchy about "Dominion" get touchy about the Queen, or even Mr. St. Laurent's favourite word "realm"? Do we have to accept a republic just out of "polite deference"? Note that the touchiness doesn't have to be that of a majority, just "a fairly large proportion." Who decides what "proportion"? The British Government? Or our own Government, and, if so, how and on what basis? This is not democracy. It is simply the dictatorship of any minority that can make enough noise to scare the Government out of its wits.

The answer to this appeared to be that dropping "Dominion" is only a "minor change." Was it? If so, why were the people who wanted to drop it so insistent? When they want it dropped, it's not only major but essential. But when anyone objects, it suddenly becomes "minor."

But "the character of this country is bound up in its people, and independent of its title." The first, yes; the second? The Fathers of Confederation didn't think so. Would the character of this country remain the same if it became a republic? Ask the republicans! They may give you the "minor major" run-around again, but they will still insist that the change is essential.

The same letter-writer continued: "Dislike of the term 'Dominion' is not necessarily based on ignorance or misapprehension. Many people are perfectly aware of the facts, but retain their opinion on the subject." Opinions held in flat defiance of admitted facts are, of course, entitled to even more respect than opinions based on ignorance or misapprehension.

This, no doubt, is one of the "intelligible arguments" Saturday Night didn't stop to enumerate.

Meanwhile, the Gallup Poll had been asking a representative sample of Canadians whether they'd like their country called "the Dominion of Canada" or just "Canada." Only 32 per cent wanted "Dominion" dropped; 45 per cent wanted it kept, 23 per cent had "no opinion." In every part of the country except Quebec there was a clear majority for "Dominion"; 51 per cent in British Columbia (I wonder when somebody is going to get "touchy" about "British," and insist that the province be-re-named), 56 per cent in the Prairie Provinces and Ontario, 67 in the Maritimes. Outside Quebec, the percentage wanting "Dominion" dropped varied from 20 to 29. Even in Quebec, only 53 per cent wanted it dropped, 15 wanted it kept, and 32 had no opinion. For French-Canadians across the country the percentages were 54, 15 and 31.

This must have been a nasty jar for the Government. Clearly, there was no overwhelming demand for dropping "Dominion," not even in Quebec or among French-Canadians. On the contrary, in most of the country there was very strong objection, and in Quebec a good deal of indifference.

Perhaps that is why the Prime Minister, on March 6, 1952, made a further re-statement of policy, mild as mother's milk: "From time to time, when proper occasion arises, it may be suggested that Parliament make some changes in some statutes where 'Dominion of Canada' is used as the name of the country, which under the Constitution is simply Canada. That is all there is about the matter."

If the Prime Minister had meant what he said, it would have been a considerable retreat from the policy that began in 1936. Further purges would have been limited to the statutes, and not even all statutes using the word "Dominion;" just "some," even of those using "Dominion of Canada" as "the name of the country." No more tinkering with Proclamations and official titles and the Canada Year Book. The supporters of the 1936-1951 policy would have had to content themselves with the reflection that they had already succeeded in getting "Dominion" out of a few statutes and a lot of official documents. They would have had at least to postpone the final act of liberation, to be performed, doubtless, with due ceremony, in the presence of the diplomatic corps (those famous "foreigners"), and representatives of Church and State: the "correction" of the "error" on the central column of the Hall of Fame in the Centre Block of the Parliament Buildings, where the horrid words "Dominion of Canada," graven in stone, mock the citizen and mislead the American tourist.

So Mr St. Laurent with a chisel was not fated to take his place in song and story with George Washington with his hatchet.

It soon became clear that he had not meant what he said on March 6.

For a while, it looked as if he had. He publicly congratulated Mr Bona Arsenault, M.P., on dropping his bill to change the name of Dominion Day (it would have created "unnecessary disputes"). The Government bill to amend the Dominion Succession Duty Act left its title unchanged. Mr Massey's first two official Messages transmitting the Estimates to the House of Commons, March 19 and 25, 1952, used the time-honoured "for the service of the Dominion." But this turned out to be only "the pause that refreshes." By June, the Government apparently felt it was safe to go back to where public protest had forced it to leave off. Mr Massey's Message of June 23, transmitting the Supplementary Estimates, said "for the service of Canada." This was a direct violation of the Prime Minister's assurances of January 25 and March 6, a return to the bad old stealthy, sneaky, surreptitious methods by which it had been pursued. The Government had learned nothing and forgotten nothing.

"The Devil was sick, the Devil a saint would be;

"The Devil was well. The Devil a saint was he!"

Mr Arsenault, in 1948, had tried to have the changes made in the proper way. He introduced a bill to have "Canada" replace "Dominion" and "Dominion of Canada" wherever those offensive words occurred in any Act, regulation, etc. It got first reading, but that was the last that was ever heard of it.

A prominent Alberta farmer once explained to me the reasons for the Government's alternative method of reaching the same goal. Taking issue with a broadcast of mine on "Creeping Republicanism," he said he was a "democrat" and could see no place for the Crown in a ~~democracy~~. I replied that he was entitled to his opinion, and if he could persuade enough people to share it, he could elect a Government pledged to make us a republic, and the Constitution could then be changed accordingly, by (in those days) an Act of the United Kingdom Parliament requested by the Parliament of Canada. (At Canada's request, the power to amend the BNA Act had been withheld by the Statute of Westminster. We could not agree on a formula.)

The "democrat" came back with this: "Now Mr Forsey, you know as well as I do that if you want to get changes made, the way to do it is not to come out and say so. If you do that, you'll only stir up opposition. The way to do it is just to make a little change here and a little change there, without saying anything about it." (I am not making this up. He really said exactly that, and, if my memory serves, in writing. The letter is probably in the Public Archives,)

Clearly, the Government had been practising what this gentleman preached: slithering around the law and the Constitution. It is an odd version of democracy.

That nice little piece of work sneaked into the vice-regal Message did not stand alone. On June 14, Saturday Night took up the cudgels for Mr Arsenault's abandoned bill to change the name of Dominion Day.

The editorial began: "Canada, until it undertakes to re-write the British

North America Act as the fundamental law of the Canadian people, adopted by themselves, in some process of their own devising. . . ." The BNA Act was adopted by ourselves, in a process of our own devising. Canadians wrote it (the Colonial Office put it into its own legalese, and insisted on throwing out "Kingdom," and on the Fathers putting in a method of overcoming conflict between the two Houses). Enactment by the United Kingdom Parliament was the process they chose to put it into effect. We could have chosen revolution. We could have chosen to break away from the British Empire. We didn't. Why? Because no one thought of it, or dared to speak of it? No. Deliberately, explicitly, with our eyes wide open. We chose to develop our self-government in the orderly, legal British way.

This is not surmise. It is fact. Sir John A. Macdonald, commending the Quebec Resolutions to the Parliament of the Province of Canada, in 1865, said: "I believe that, while England has no desire to lose her colonies, but wishes to retain them" (Disraeli had called them "a millstone round our necks"), while I am satisfied that the public mind of England would deeply regret the loss of these provinces . . . yet. if the people of British North America after full deliberation had stated that they considered it was for their interest, for the advantage of British North America to sever the tie, such is the generosity of the people of England, that, whatever their desire to keep these colonies they would not seek to compel us to remain unwilling subjects of the British Crown. If, therefore, at the Conference, we had arrived at the conclusion that it was for the interest of these provinces that a severance should take place, I am sure that Her Majesty and the Imperial Parliament would have sanctioned that severance. We accordingly felt that there was a propriety in giving a distinct declaration on that point; and that in framing the Constitution, its first sentence should declare, that 'The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Sovereign duly authorized.' That resolution met with the unanimous assent of the Conference. The desire to remain connected with Great Britain and to retain our allegiance to Her Majesty was unanimous. Not a single suggestion was made, that it could, by any possibility, be for the interest of the colonies, or of any section or portion of them that there should be a severance of our connection."

Our deliberate choice not to have a revolution is the most significant thing about this country. The pure nationalists just miss the whole point of our history.

I have thought it worth while to quote Macdonald so fully and precisely because even now the totally false notion that the Act of 1867 was "imposed" on us by the British Government or Parliament keeps cropping up, even by (supposedly)

educated Members of Parliament.

The Saturday Night editorial of June 14 went on: "Canada . . . will have to continue to be 'a Dominion,' since that is what the Act says it is, though nobody has to call it 'the Dominion,' since the Act never does so."

So "the language of the Act" of 1867 settled everything. Seventy or eighty years of constant usage, in amendments to the Constitution, in a whole host of other constitutional Acts and ordinary legislation, in official documents of every kind, on our paper money, on our bonds, in hundreds of court decisions (many of them on the Constitution itself): all this means nothing. In Henry Ford's memorable phrase, "History is bunk."

If this principle of "the language of the Act" of 1867 were applied consistently, it would have some strange results. For "the Act" nowhere mentions responsible government, or the Prime Minister or any other Minister, or the Civil Service. What "the Act" says is everything.

Yet, amazingly, Saturday Night didn't take the trouble to find out what it does say. The fact is that the Act never calls Canada "a Dominion," and does call it "the Dominion." The preamble once, and section 3 twice, say "one Dominion;" and the preamble says "the Dominion."

Saturday Night continued: "There seems to be some resistance developing (not unnatural with people who object to 'Dominion' altogether) to the continued observance of something called 'Dominion Day.'"

The mere "objection" or "resistance," note, was enough. No need even to ask whether it's the "objection" or "resistance" of a majority (the Gallup Poll showed it almost certainly wasn't). "Some" was enough.

This doctrine of government by mere "objection" or "resistance" of "some" also could have some strange results. Already there had seemed to be some resistance developing to the monarchy (there still is), "not unnatural with people" who, like Le Devoir of June 19, 1952, inform us that, for them, Victoria Day and the Queen's birthday "have not the slightest meaning," and should therefore cease to be holidays. Are we to drop the Queen? Where do we stop? And what happens if "resistance seems to be developing" against all this? Do we slug it out? Do reasoned discussion and democratic decision give way to force or the threat of force? Saturday Night's doctrine was essentially the most subversive this country has ever known.

For that journal went on to make it plain that "Dominion Day" must go. The argument opens with a fresh piece of un-history: "The event which the day celebrates is so supremely important in the history of Canada that, in spite of the fact that it was merely the going-into-effect of a statute of the Parliament of Great

Britain . . . " It was not "merely" anything of the sort. If it had been, it would not have been "supremely important." It was supremely important precisely because it was not "merely" what Saturday Night said it was. On the contrary, it was what the Fathers of Confederation repeatedly called it, the creation of a new nation. (Mr Sandwell later asserted they didn't. But the Confederation Debates are there to prove they did.)

"But," the editorial added, "if the term 'Dominion' is destined to disappear from current usage as anything more than the designation of certain nations of the Commonwealth at a past stage of their development" (note the slick, pontifical question-begging here), "and if July 1 must still be celebrated, what are we call it? "Confederation Day has been suggested." But this, alas! wouldn't do. Why? Well, for one thing, "the word 'Confederation' never occurs in the Act." The Fathers of Confederation don't either. Are they too "destined to disappear"? Perhaps they might as well. We are still busily wrecking their work. How many more expressions we've used for the whole of our national life must we throw overboard because they "never occur in the Act"?

But the crowning touch is this: "'Confederation Day' . . . is open to several objections. . . . Particularly, it is bound to suggest to the Americans (with whom we have to concern ourselves a good deal) the basic principle of the Confederate States." We have to drop "Dominion" because "some foreigners" don't understand it. We mustn't say "Confederation" because Americans mightn't like it. And all this in the name of Canadian "nationalism."

Adverse criticism of the editorial brought a spirited defence from Mr Sandwell, by this time Editor Emeritus: "The one point on which the case for the abandonment of 'Dominion' rests is that when the word was first employed Canada was a colony and it was perfectly suitable, whereas Canada is today not a colony and the word is, in the opinion of many people" (note: just "many," not "most") "no longer suitable." Odd that none of the "nationalists" had ever told us this before; not the Prime Minister, not even Mr Sandwell himself. Just look back at the Prime Minister's press conference of January 26, 1952: not a word about the "one point" on which Mr Sandwell now said "the case rests; again, rather an implicit denial of it. The Prime Minister's one point was that we had to truckle to the ignorance of "many good and loyal Canadians" (what and whom, by the way, were they loyal to?). Saturday Night's "one point" in January was that we had to truckle to the ignorance of "some foreigners."

One faint gleam of Sandwellian light seems to have touched that other eminent Canadian "nationalist" of those days, Mr George Ferguson. Not for him the "intelligible arguments," the "respectable reasons," the bowing and scraping

to "foreigners," the genuflections to the "many good and loyal Canadians." In an article in Saturday Night itself, on March 6, written, of course, before Mr St. Laurent seemed to have climbed half-way down, he said: "'Dominion' . . . according to the Prime Minister, offends the inferiority complex of certain among our fellow citizens. This term, we are astonished to learn reeks of colonialism, which makes one wonder just how silly some people can be. However, once nationalism takes hold, its many manifestations are not all rational." Mr Ferguson was a Scot by origin; but this is a masterpiece of English understatement.

The fact is that when "Dominion" was first employed Canada was not a colony. Mr Sandwell himself, in this very article, says "it is fairly evident" that the Fathers, in the BNA Act, "wanted to avoid the use of the word 'colony.'" They certainly did. They wanted to call us a Kingdom. Frustrated by the British Government's fear of the Americans, they deliberately chose "Dominion" to mark the change from colony to nation. But if, as Mr Sandwell claimed, "Dominion" meant just "colony," why? What was the sense of Carnarvon's writing to the Queen as he did? What can Edward Blake, one of our greatest constitutional lawyers, have meant when he told the British Government, in 1876: "Canada is not merely a colony or a province: she is a Dominion . . . under an Imperial Charter which expressly recites that the Constitution is to be similar in principle to that of the United Kingdom"?

Mr Sandwell enumerated a list of things that show that in 1867 Canada was subordinate to Britain. Of course she was then, and still would have been, no matter what she was called. Australia also was subordinate when she formed her Commonwealth. So was South Africa when she formed her Union. Did that mean that "Commonwealth" and "Union" were "no longer suitable"?

Clearly, not "Union." For Saturday Night itself wanted us to change "Dominion Day" to "Union Day." "Union" was all right, "Dominion" all wrong. Why? "Union is in the Act." But so is "Dominion." But, said Mr Sandwell sternly, "Dominion of Canada" never occurs in the Act." Neither does "Union of Canada." "The word 'Dominion' is no part of the name of the country, which is, --- the Act says so --- 'Canada'." But the word "Union" also is "no part of the name of the country, which is --- the Act says so --- 'Canada'." This is as plain as a pikestaff.

But Mr Sandwell knew better: "The official name employed in the BNA Act for the political entity of Canada is 'Union: the other 'colonies or provinces' may on certain conditions be admitted 'into the Union: not 'into the Dominion.'"

The official name for the "political entity" employed in the BNA Act of 1867, and a great many succeeding Acts, is "the Dominion." The Rupert's Land Act says so; the BNA ACT, 1871, says so. The Imperial Orders-in-Council admitting Rupert's Land, British Columbia and Prince Edward Island say so although the

Rupert's Land Order says "the Union of the Dominion of Canada," and the schedule to the British Columbia Order says "into Union with the Dominion of Canada" four times and "into the Union or Dominion of Canada" four times). Finally, if Canada was subordinate to Britain in 1867, and therefore "Dominion" meant just "colony," then she was subordinate also as a "Union," and "Union" also meant just "colony." But Mr Sandwell knew better. As George Fergusson said, the manifestations of nationalism are not always rational.

Mr Sandwell specifically declares that "'Dominion' has never been part of our title." But the Fathers of Confederation specifically asked the Queen, through Lord Carnarvon, to give us the "new title" of "the Dominion of Canada," and the Act did. But Mr Sandwell knew better. Four amendments to the Act of 1867, at least eighteen Acts of our own Parliament, hundreds of other official documents (including, again, judicial decisions on many constitutional cases) called us "the Dominion of Canada." Sir John A Macdonald and every other Canadian Prime Minister for almost seventy years called us that, over and over again. But Mr Sandwell knew better.

To the statement that that the Fathers said Confederation meant the creation of a new nation, Mr Sandwell blandly replied: "It is safe to assume that" the Fathers "in 1867 had no thought of using the word 'nation,' even if it be true that they did consider 'Kingdom.'" "Even if it be true!" The drafts of the British North America Bill of 1867 are there to prove it, and there is ample evidence besides, much of it neatly summarized in the Canadian Historical Review for June 1952. Mr Sandwell "doubt[ed] very greatly whether a nation was created" in 1867: "You do not create a nation without knowing it, and it was a good many years before even the most nationally minded Canadians used that word about Canada with any confidence."

Was it indeed?

Sir John A. Macdonald used it about the proposed Confederation as early as 1861. In the Confederation Debates, 1865, he told the Legislature of the Province of Canada that what the Fathers were doing was "trying to form a great nation." He spoke of "the joining of these five peoples into one nation . . . to take our position among the nations of the world." He called for support "if we wish to form a great nationality, commanding the respect of the world, able to hold our own against all opponents." He urged the Legislature to embrace "the happy opportunity now offered to us of founding a great nation. . . . The colonies are now in a transition stage. Gradually a different colonial system is being developed --- and it will become, year by year, less a case of dependence on our part, and of overruling protection on the part of the Mother Country, and more a case of a healthy and cordial alliance. Instead of looking upon us as a colony, England will have in us a

friendly nation --- a subordinate but still a powerful people." Cartier said: "Now was the time for us to form a great nation. Shall we be content to remain separate, shall we be content to maintain a mere provincial existence, when by combining together we could become a great nation? It has never yet been the good fortune of any group of communities to secure national greatness with such facility. . . . When we were united together . . . we would form a political nationality. . . . a great nation. . . . whether we were made a kingdom or a vice-royalty." Langevin said the Confederation would be "a powerful nation, . . . one nation, . . . a great and powerful nation." Before Confederation, "the position of a Canadian . . . in England" was "a position of inferiority. We desire to remove that inferiority by adopting the plan of confederation." Quoting D'Arcy McGee's famous phrase, "a new nationality," he said: "Let us come to an understanding on this word . . . What we desire and wish, is to defend the interests of a great country and of a powerful nation, by means of a central power."

But Mr Sandwell thought it "safe to assume" that in 1867 the Fathers "had no thought of using the word 'nation.' The certainly used it in 1865. Is there any evidence that they had dropped it two years later?. Again, "it was a good many years before even the most nationally minded Canadians used that word about Canada with any confidence." "It would have been safer not to "assume" but to look at the evidence.

In 1954, the Department of External Affairs, in its publication, External Affairs, calmly undertook to repeal an Act of Parliament, the Dominion Day Act, 1879, in an article, "Observance of Canada Day Abroad." Faced with public protest, it resorted to the usual devious nonsense: "Naturally," a departmental "spokesman" "explained," "we know it's Dominion Day. But we use the term Canada Day as a convenience to identify our national day for people abroad. The term Dominion Day means very little abroad. It could refer to any Commonwealth country."

Once again, that tender solicitude for the poor foreigners. If they don't understand any of our own legal terms for our own institutions, we don't explain what they mean. We change the names, and of course we don't need to bother with Parliament. The officials of External Affairs, like Mr C.D. Howe, have more to do than spend their time amusing Parliament. Laws used to be repealed by Her Majesty, by and with the advice and consent of the Senate and the House of Commons. But by 1954, apparently, it was to be by the Department of External Affairs, by and with the advice and consent of no one at all, or some person or persons unknown. There had evidently been a "progression."

No doubt the French, when talking to foreigners, call July 14 "France Day,"

and the Americans the Fourth of July "America Day," and the English the twenty-third of April "England Day," and the Scots the thirtieth of November "Scotland Day," and the Irish March 17 "Ireland Day. No doubt the Department of External Affairs has been careful, if it has occasion to speak of June 24, to call it "Quebec Day." "St. Jean-Baptiste" might "mean very little abroad."

And "Dominion Day" could "refer to any Commonwealth country." Not to India, which had, deliberately and by law, struck out "Dominion as its legal designation and substituted "Republic." Not to Great Britain and Northern Ireland, whose legal designation is "the United Kingdom. No doubt the poor foreigner, reading a publication of the Canadian Department of External Affairs, and finding the words "Observance of Dominion Day Abroad," might have thought the department was talking about Ceylon, or the United Kingdom, or Australia or South Africa or New Zealand or Pakistan. The words "Canada" or "Canadian," occurring twenty-five times in a page-and-a-half, would have given him (her) no clue. The foreigners should be flattered by the department's estimate of their intelligence.

About the same time, the Department of Trade and Commerce undertook to repeal parts of the BNA Act, and to change other legal terms. Down to 1954, the Canada Year Book, in its account of the governance of the country, had always used the terms "The House of Commons" (BNA Act, section 17), "The Ministry" and "Parliamentary Representation." The 1954 edition changed "Ministry" to "Federal Government Executive," and "House of Commons" and "Parliamentary Representation" to "Federal Government Legislature." This last, of course, was quite in tune with the prevailing attitude in the highest circles, that Parliament is the property of the Government. It is perhaps surprising that some official "spokesman" did not pop up to "explain" that "Ministry" and "House of Commons" are "errors that have crept into official usage," or that "many good and loyal Canadians felt that they smacked of "inferiority." It is also, perhaps equally surprising that those dear and convenient "foreigners" weren't trotted out again. After all, "House of Commons" doesn't mean much to a Frenchman; why not help him by calling it "National Assembly"? (This was, of course, before the Legislative Assembly of Quebec had pre-empted that name for itself.) "Parliament" doesn't mean much to an American or a Russian; why not call it "Congress" or "Supreme Soviet"? And surely foreigners would understand us better if we called our provinces "states"? Of course the whole performance would (or should) offend our national pride. But what did that matter to a Government fiercely "nationalist, whose mottoes were, "Who's going to stop us?" and "We won the election"?

The games with the Canada Year Book were too much for even the faithful Mr Sandwell. In an article in the Financial Post, September 11, 1954, he noted that Parliament had give the Dominion Bureau of Statistics its name; that the 1954 Year Book still had that name on its cover and title page; and that the preface was signed by the "Dominion Statistician." But inside, the "accursed word" had been "avoided with the most scrupulous care."

"The explanation," he added, "is simple. The Dominion --- pardon me, the Federal --- Government is engaged in the operation of pushing the term 'Dominion' out of the language wherever that task can be performed without attracting too much attention. But the changing of the name of a government agency established, and named, by statute, would attract attention. ." He called "Federal Government Executive" and "Federal Government Legislature" "horrible expressions" and "abortions." The 1955 Year Book had the Cabinet and the House of Commons back again. But "Federal Government Franchise" remained.

Towards the end of 1954, Professor F.R. Scott, of the McGill Faculty of Law, took a hand. In a review of Professor Wheare's The Statute of Westminster, he observed: "It is well known that in Canada the term 'Dominion' has fallen into disuse in official circles, and that the single name 'Canada,' authorized by section 3 of the British North America Act, 1867, is employed as the proper title of this country."

On this I commented: "The name of this country is 'Canada.' But how can a name be employed as a title? Professor Scott's name is 'Scott,' but his title is 'Professor.' To say that his proper title is 'Scott' would be nonsense. Similarly, . . . the name of this country is 'Canada,' but its title is 'Dominion,' and must remain so till changed by Act of Parliament. Neither Ministers nor civil servants possess the power to amend the British North America Act."

Professor Scott replied by commenting on my "fondness for ancient words," adding that he was "glad" . . . I recognized "that the name of this country is simply 'Canada. The word 'Dominion,' not being part of the name, but merely a vaguely descriptive title that is now hopelessly ambiguous, can therefore properly be dropped from official usage."

". . . If Dr Forsey's argument were sound, instead of saying 'United States' we should always have to say 'The Republic of the United States.' Does Dr Forsey . . . feel that the Americans have somehow changed their constitution by refusing to employ this cumbersome phrase? Surely the fact is that the single word 'Canada' is both accurate and sufficient, and the attempt to retain an older phraseology were evidence of political nostalgia."

Why "Dominion" was "hopelessly ambiguous" Professor Scott did not explain. His second point may have been an answer to something, but not to any

"argument" of mine. I did not say we had to call the country "the Dominion of Canada." I said "Canada" was not a title, let alone the title of the country, but simply a name. On this Professor Scott was, understandably, silent. To call him "F.R. Scott" was "accurate" and often "sufficient." But to call him "Professor Scott" was also "accurate," and surely more than just a "fondness for ancient words" or "mere evidence of [academic] nostalgia."

But alas for Professor Scott! The ink was hardly dry on his letter in the Canadian Bar Review when the Prime Minister, of all people, let him down with a thump.

Throughout the early part of 1955, the horrid word had been creeping back. Hansard was using it for headings: "Dominion-Provincial Conference." Even the Prime Minister was using it. And then, on June 6, the Government actually put it in the resolution preceding a bill for refunding CNR debt: "securities guaranteed by the Dominion of Canada."

Mr Diefenbaker naturally wanted to know whether the chopping and changing was now to stop.

Did the Prime Minister say that the expression "Dominion of Canada" was an "error" which had "crept into" the resolution?

Not a bit of it! "The expression 'Dominion of Canada' has been used for something over 86 years now, and it certainly is not an improper expression, but the name given to this country by the constitution is 'Canada.' The provinces were united in one dominion under the name of 'Canada,' so 'Canada' is quite sufficient to describe the entity that was created by the British North America Act, but it was created as one dominion under the name of Canada."

"Now there are some who feel that the expression that was used at that time connotes that this country is under the dominion of another country. I think the public at large, not only of this country but throughout the world, has now fully accepted the position of equality of status that was declared at the conference of 1926 and confirmed by the statute of Westminster in 1931."

Mr. Diefenbaker persisted: "I should like the Prime Minister as well to say why it is that we shift back and forth. Some statutes have been amended so as to provide for the description of our country as 'Canada;' other statutes retain the words 'Dominion of Canada.' What is the reason for the uncertainty about it, and why should it be necessary to change to 'Canada,' instead of allowing the description to remain as it appears in the statute of Westminster?"

To this Mr St. Laurent replied blandly: "I do not know of the need for any change, but the hon. gentleman is sometimes described as Mr Diefenbaker, Q.C., and sometimes as the hon. member for Prince Albert. They are both appropriate descriptions, and we all now understand who the gentleman referred to is, whichever ex-

pression is used. I believe the public now understand that this is the country referred to, whether it is referred to as 'Canada' or 'The Dominion of Canada.'"

So away go the "foreigners," away go the "many good and loyal Canadians." Inferiority? Everybody knows that's not so. "~~Error~~"? No, no! "Quite proper," "appropriate," "completely justified."

Le Devoir, July 4, 1955, noted the retreat since 1952: "Since the appointment of the first Canadian Governor-General, the imperialist element has launched a vigorous counter-attack. (Le Devoir had failed to note that by the 1950's imperialists were an extinct species.) "And it has apparently succeeded in influencing the majority of the Anglo-Canadian population. The smallest reforms of a nature to weaken the monarchical and British tradition arouse vigorous reactions on the part of the imperialists who were accepting them with resignation a few years ago. This is noticeable especially among the Conservative M.P.s.

"By contrast, Mr St. Laurent and the Liberals who used to favour these gradual reforms in the direction of Canadianization seem to be thrown back on the defensive. They insist often on our attachment to the Crown. They no longer dare to denounce and suppress methodically the appellation 'dominion.'"

"The French-Canadian M.P.s who would bring forward the same claims as on the morrow of the war would find them less well received. There is no surer means of making our English-speaking compatriots hostile, of arousing their anger, than to seek to cut or weaken the last ties which bind us to England."

But the pressure did not stop.

On July 18, 1955, it was the turn of Maclean's Magazine. Under the heading, "Let's Call it 'Confederation Day,'" it said: "To English-Canadians Dominion Day seems a good enough name for the national birthday which we're now celebrating. . . . It evokes suitable associations both historical and geographic. We get a pleasant feeling of physical grandeur from the Biblical line, 'Ye'" (the Bible says "He") "shall have dominion from sea to sea," which is supposed to have suggested the word to John A. Macdonald in the first place" (it was Sir Leonard Tilley) It does sum up . . . one important aspect of Canada's national development. . . . Webster gives one meaning of the word as 'estate or domain of a feudal lord.' which wasn't too far off the mark in 1867." (That, no doubt, was why the Fathers used it as a synonym for "kingdom," and why Blake insisted Canada was "not merely a colony or a province: she is a Dominion" --- a domain of a feudal lord; so much more exalted than a "colony" or "province.") "Another meaning, though, is 'short for self-governing dominion,' . . . This concept of Dominion Status was almost entirely a Canadian invention, and Canadians have every right to be proud of it. It had been the means of preserving and augmenting the real strength of the Commonwealth.

. . . and it made possible the crowning triumph of 1947 --- the accession of India and Pakistan as free, equal, voluntary members of an organization they might once have regarded as their captor and jailer. No wonder Canadians like to commemorate this national achievement in their national day."

But they must stop it.

Why?

First, because "even in English the word is unhappily ambiguous. It's hard to explain to enquiring Americans" (those sacred "foreigners" again) "why a free and independent country . . . prefers to be known by a name" (it's a title) "which also means 'domain of a feudal lord.' It brings memories of George III and the Boston Tea Party, and makes them sceptical of Canadian nationhood."

After the foreigners, the "good and loyal Canadians," who, this time are more precisely identified: "But the real trouble with the word 'dominion' is . . . translating it into French for the Canadiens. There is no such word as 'dominion' in French," (Then how did it get into the French inscription on the column in the Hall of Fame in the Parliament Buildings? Or into the then French version of the British North America Acts as "Puissance"? Or into Mr St. Laurent's Encyclopédie as "souveraineté"? And isn't it an old Anglo-French word? All this, too before "Chef de l'Opposition" gave place to the so much more French "Leader de l'Opposition.")

"'Dominion Day' could be translated as 'Jour d'Empire' or 'Jour de la Domination'." (Could it indeed? Where's the translator who'd do it? Who ever did?) "--- neither is likely to appeal, as titles for Canada's national day, to a group of Canadian citizens who have had too many occasions to wonder whether all their compatriots accept them as the equals they are. Indeed, it is not too much to say that the use of 'Dominion Day' is a standing insult, no less offensive for being inadvertent, to more than one-third of all Canadians." (The 1951 Census showed 30.8 per cent of the population as of French origin.) Maclean's arithmetic was as shaky as its recollection of biblical texts, its Canadian history, and its translations.)

"There is an excellent word," the article proceeds, "which is bilingual, which has historical associations of its own, and which has the added merit of precision as a name for Canada's birthday. That word is 'Confederation.' That's what we're celebrating each First of July, and we can say so in both the native (sic) tongues of our country. Why don't we celebrate 'Confederation Day' from now on?"

Presumably we must stop saying "Commonwealth," since that is even less of a French word than "Dominion," and there is, as far as I have been able to discover, no French translation. Presumably "Thanksgiving Day" also is a standing insult to French-Canadians, since there is no such word as "thanksgiving" in French, and "Thanksgiving" might be translated, à la Maclean's, into "Jour des Mercis." Actually, we

don't try to translate it. We say "Thanksgiving Day" in English, and "Jour d'Actions de grâces" in French. No one suggests that English-Canadians should start saying "Actions of Graces Day;" and who feels insulted? Why can't we go on calling the day "Dominion Day" in English and "Jour de la Puissance" or "Jour de la Confédération" (the two words used in the Statutes) in French?

And how is it that it's only in the 1940's and 1950' that the "deadly insult" was discovered? Why did Sir George Cartier, Sir Hector Langevin, Sir Antoine Dorion, Sir Wilfrid Laurier, never notice it, or, if they did, silently swallow it?

And what a compliment it was to French-Canadians to assume that they could have no pride in Canada's "invention" of Dominion status, to which, notably through Mr Ernest Lapointe, they contributed so much!

On the face of it, this whole business of dropping "Dominion" was, and is, just what George Ferguson called it: silly. And the attempts to justify it are worse. But the really frightening thing about all this "nationalist" propaganda is that it knows, or cares, nothing about essential features of our history. Facts roll off its practitioners like water off a duck's back.

And logic means nothing to them. Mr Sandwell said of one criticism of the proposal to change the name of Dominion Day that it "could hardly have been more vigorous if it had been directed against a proposal to abolish the Crown and convert Canada into a republic." It was directed against something far more subversive: the flight from reason which is the distinguishing feature of every one of the "nationalist" contributions to this whole controversy.

But even that is not the whole story. Governments do not steadfastly pursue a policy for fifteen years, drop it only when they're forced to, revert to it at the first opportunity, then slither away from it again, just for the pleasure of making fools of themselves. Somebody had some serious purpose in all this. It may not have been the Government. Ministers may just have yielded to pressure. But, inside the Government or outside, or both, the pressure was there, steady, insistent, relentless. Many of the Ministers may not have shared the purpose, and may not have liked giving into the pressure. At least three of them, Mr Gardiner, Mr Howe and Mr Harris, went on saying "Dominion" long after it had become taboo. But giving in was the easiest thing to do. To the specific changes demanded they had no objection of reason or principle, though they should have had. So why not give in? After all, each change was only "minor," "mere words." What, after all, are words? Just one of the things

that distinguish man from the beasts that perish.

The pseudo-nationalists ought not to have been satisfied with anything less than the removal of "Dominion" from the Constitution Act, 1867. But, amazingly, they were. They finally succeeded in getting "Dominion Day" changed to "Canada Day" by Act of Parliament. They did even that in characteristic fashion: by a private bill, sprung upon the House of Commons with insufficient notice, late on a Friday afternoon, when most of the members had left for the week-end. But nobody present raised the point, and there was no recorded vote, which would have revealed whether there was the quorum required to transact business. On the Monday following, several members said there had not been, just 13 of the necessary 16.

The bill went to the Senate, and to its Legal and Constitutional Affairs Committee where all the old tales were trotted out again (even the yarn about R.B. Bennett). I appeared as a witness. I might as well have stayed home, with my feet up on the desk.

Why do I rehearse all this now? Because it displays to perfection the tactics that have been repeated in other controversies (Donald Creighton and I spent years chasing the Quebec nationalists round and round the same not-very-merry-merry-go-round); because of the danger that we shall be called upon to jettison one thing after another in our national heritage, till the last American Congressman, or the last "good and loyal Canadian," is satisfied that we are no longer groaning under the heel of Britain; till we have run out of weaklings who are ready to lie on their backs with all four paws in the air.

The St. Laurent Government twice bowed to the storm roused by its sneak-thief attempts to get rid of "Dominion." But it never showed the slightest sign of repentance. When it thought the storm had passed, it began again just where it had left off. There was nothing to make it do anything else, except fear of a fresh storm.

For the preservation of our heritage, there is only one real safeguard: that the Canadian people should know their history (the schools are not making a very good job of that; in Quebec, as recent proceedings in the Supreme Court of Canada have revealed, the teaching of Canadian history stops with 1929); know it, understand it, remember it, and keep on watch against ignoramuses and spinners of fantasies. In Sir Winston Churchill's words, "We cannot say, 'The past is past,' without endangering the future."